

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF POLICE OFFICER PAUL POWERS, STAR No. 12253, DEPARTMENT OF POLICE, CITY OF CHICAGO.))))	No. 12 SR 2306 (CR No. 1002011)
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FINDINGS AND DECISION

The Superintendent of Police suspended Police Officer Paul Powers, Star No. 12253, for thirty (30) days for violating the following Rules of Conduct:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10: Inattention to duty.
- Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action.
- Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

On or about August 30, 2012, Officer Powers requested a Police Board review of this suspension. The Executive Director of the Police Board assigned this matter to Hearing Officer Jacqueline A. Walker.

The members of the Police Board read the Summary Report of the Complaint Register investigation file, the recommendations of the members of the Command Channel Review, the memorandum to the Police Board submitted on behalf of Officer Powers, and a response to this memorandum submitted by the Independent Police Review Authority. Hearing Officer Walker

made an oral report to and conferred with the Police Board before it rendered its findings and decision. (Police Board Vice President Scott J. Davis recused himself from this matter due to a conflict of interest.)

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its consideration of this matter, finds and determines that:

1. The request for Police Board review of this suspension was submitted in accordance with the Police Board's Rules of Procedure.
2. The allegation, set forth below, that Police Officer Paul Powers, Star No. 12253, violated Rule 2 is not supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **not sustained**.

On December 15, 2006, at approximately 0345 hours, at 325 North Jefferson Street, Chicago, Officer Powers, by engaging in an unjustified verbal altercation with [REDACTED] brought discredit upon the Department.

The investigation of the charges conducted by the Independent Police Review Authority ("IPRA") indicated that a statement was obtained from the complainant, [REDACTED] In this statement, [REDACTED] did not state that Officer Powers had a verbal altercation with [REDACTED] on the day and time as charged.

Additionally, statements were obtained from witnesses, [REDACTED] and [REDACTED] [REDACTED] who were in the Jefferson Tap & Grill at the time the incident occurred. The statements from these witnesses failed to mention that Officer Powers had a verbal altercation with [REDACTED]

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3. The allegation, set forth below, that Police Officer Paul Powers, Star No. 12253, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On December 15, 2006, at approximately 0345 hours, at 325 North Jefferson Street, Chicago, Officer Powers failed to follow the provisions of General Order 07-01 when he was in possession of a firearm while consuming alcohol.

Video recordings from the bar where the allegations were to have taken place showed that on the day and time charged, Officer Powers was consuming alcohol, and Officer Powers' handgun could be seen in the rear of his waistband.

4. The allegation, set forth below, that Police Officer Paul Powers, Star No. 12253, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On December 15, 2006, at approximately 0345 hours, at 325 North Jefferson Street, Chicago, Officer Powers failed to follow the provisions of General Order 93-03-02B when he failed to submit a written report regarding this incident.

The statements from the witnesses obtained by IPRA, as well as the video recordings, indicate that Officer Powers was present when the incident occurred that is the subject of the allegations. Additionally, Officer Powers failed to submit a written report of the incident as required by General Order 92-03-02B.

5. The allegation, set forth below, that Police Officer Paul Powers, Star No. 12253, violated Rule 9 is not supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **not sustained**.

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On December 15, 2006, at approximately 0345 hours, at 325 North Jefferson Street, Chicago, Officer Powers engaged in an unjustified verbal and physical altercation when he “exchanged words” with [REDACTED] that were “not pleasant” and called him names.

The investigation of the charges conducted by the Independent Police Review Authority (“IPRA”) indicated that a statement was obtained from the complainant, [REDACTED]. In this statement, [REDACTED] did not state that Officer Powers had a verbal or physical altercation with [REDACTED] on the day and time as charged.

Additionally, statements were obtained from witnesses, [REDACTED] and [REDACTED] [REDACTED] who were in the Jefferson Tap & Grill at the time the incident occurred. The statements from these witnesses failed to mention that Officer Powers had a verbal or physical altercation with [REDACTED].

6. The allegation, set forth below, that Police Officer Paul Powers, Star No. 12253, violated Rule 10 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On December 15, 2006, at approximately 0345 hours, at 325 North Jefferson Street, Chicago, Officer Powers failed to maintain control of his weapon.

A review of the video recordings of the day and time of the incident showed that Police Officer Vincent Matthews removed Officer Powers’ gun from Officer Powers’ waistband while Officer Powers was talking to Police Officer Gregory Barnes. This would indicate that Officer Powers’ gun was not with him at all times, and therefore he failed to have control of his weapon.

7. The allegation, set forth below, that Police Officer Paul Powers, Star No. 12253, violated Rule 21 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

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On December 15, 2006, at approximately 0345 hours, at 325 North Jefferson Street, Chicago, Officer Powers failed to report information concerning a crime that occurred at that address.

See the Findings set forth in paragraph no. 4 above, which are incorporated here by reference.

8. The allegation, set forth below, that Police Officer Paul Powers, Star No. 12253, violated Rule 22 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On December 15, 2006, at approximately 0345 hours, at 325 North Jefferson Street, Chicago, Officer Powers failed to report a fellow officer's misconduct.

See the Findings set forth in paragraph no. 4 above, which are incorporated here by reference.

9. An off-duty police officer under the influence of any intoxicant while in possession of his firearm represents a danger to himself and to others. Such conduct by Officer Powers cannot be permitted. In addition, Officer Powers failed to report other officers' misconduct that night. These are serious violations of the Department's Rules of Conduct, and the thirty-day suspension in this case is reasonable and justified.

POLICE BOARD DECISION

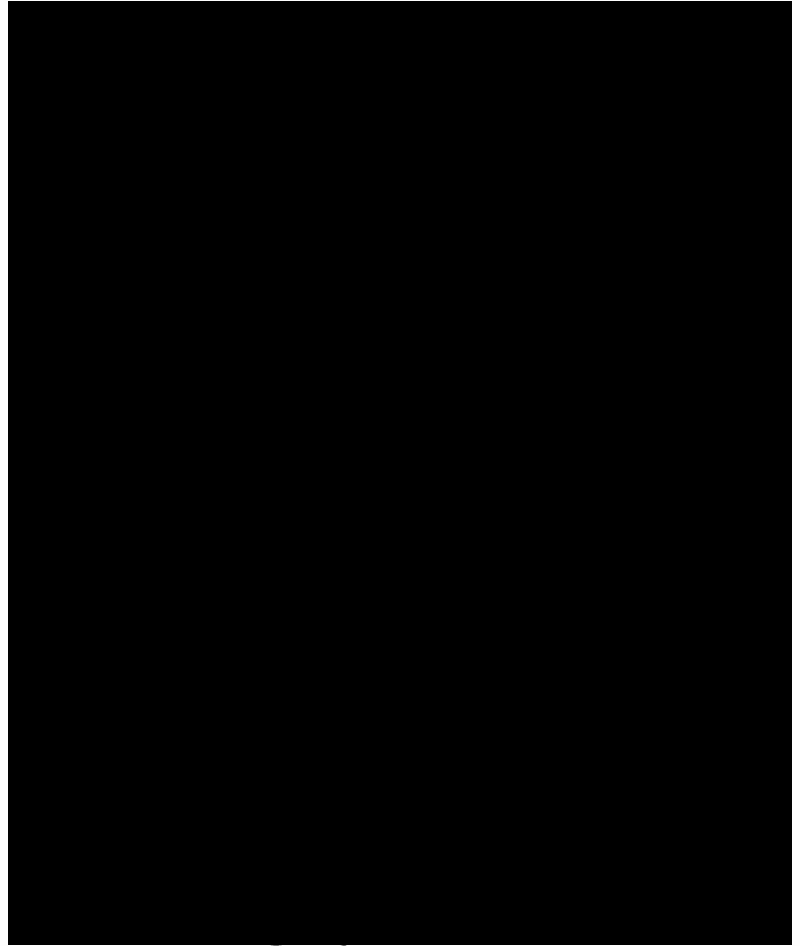
The Police Board of the City of Chicago, as a result of its consideration of this matter, hereby adopts the findings set forth herein.

As a result of the foregoing, the Police Board hereby determines that cause exists for suspending Police Officer Paul Powers, Star No. 12253, from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of thirty (30) days.

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NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police
Officer Paul M. Powers, Star No. 12253, for a period of thirty (30) days is **sustained**.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY
OF NOVEMBER, 2012.



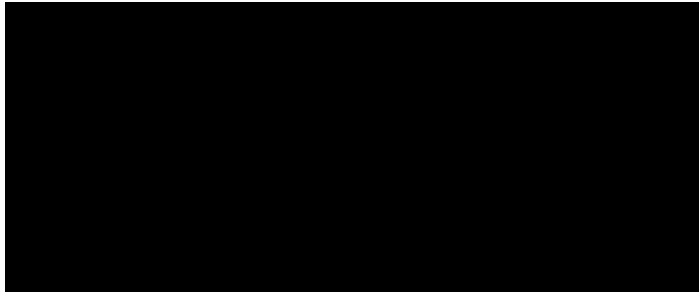
Attested by:



Executive Director
Police Board

DISSENT

I concur with the finding set forth in paragraph nos. 2, 3, and 5 above. I dissent from majority's other findings, for I find that there is insufficient evidence to sustain these allegations, and I vote to reduce the suspension of Officer Powers to a period of ten (10) days.



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THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 201~~2~~.
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SUPERINTENDENT OF POLICE